

### **2.88.010 Purpose.**

The committee and its subcommittees shall be advisory to the mayor and city council in the selection of consulting architects, engineers or land surveyors to be retained by the city for public works construction projects, the design or building of which require the services of a registered or licensed architect, engineer or land surveyor. The procedures of this chapter shall not apply to the hiring of forensic engineers or architects to provide services relating to potential litigation or to provide services ancillary to compliance with local, state or federal laws. Such hiring shall be done by the mayor in consultation with the city attorney and in accordance with Government Code Section 2254.004. (Ord. 13747 § 2, 1998: Ord. 9841 § 1, 1989)

### **2.88.020 Membership--Organization.**

A. The architect, engineering and land surveying selection committee shall consist of two subcommittees. One subcommittee shall be titled the "architect, engineering and land surveying selection subcommittee (AESS)" and the second shall be titled the "qualifications subcommittee."

B. Meetings of the architect, engineering and land surveying selection subcommittee shall conform to the requirements of the Texas Open Meetings Act and its successor legislation.

C. The architect, engineering and land surveying selection subcommittee (AESS) shall be composed of the following voting members: Note: Council members shall serve throughout their term of office once assigned to the committee.

1. The director of public works, who shall be the chairperson;

2. The deputy director for engineering, the alternate chairperson in the absence of the director of public works;

3. A council member that is chair of the legislative review committee for oversight of architect, engineering and land surveying selection;

4. A council member of the legislative review committee for architect, engineering and land surveying (AEES);

5. A council member of the legislative review committee for architect, engineering and land surveying (AEES);

6. The head of the department that will be the user of the project. If the project will be used by more than one department, the chief administrative officer shall designate the department head who will be a member of the subcommittee;

7. An appropriate representative from a panel of licensed members of the architectural and engineering professions appointed by the council upon the recommendation of the mayor. Panel members shall serve for two years from the date of their appointment;

8. A representative of another governmental entity when the project is funded thirty percent or more by that entity and when the legislative review committee for public works has agreed to such a representative;

9. Alternates. The heads of city departments who are named as members of the AESS may designate alternates to act for them in their absence for any reason, provided that:

a. The director of public works and the deputy director for engineering may not both designate alternates to the same subcommittee meeting, and

b. Designated alternates shall be assistant department heads or supervisors of at least one division within the department.

D. The architect, engineering and land surveying selection subcommittee shall be a permanent committee of the city. A representative of the engineering department shall serve as the secretary to the subcommittee. The secretary shall keep appropriate minutes

in summary form of the meetings of the subcommittee and shall keep such records of all committee proceedings and recommendations in accordance with the city records retention policy. (Ord. 14591 § 3, 2000; Ord. 13801 § 1, 1998; Ord. 13747 § 2, 1998; Ord. 13152 § 4, 1997; Ord. 12657 § 1, 1995; Ord. 12589 § 1, 1995; Ord. 10346, 1990; Ord. 9841 § 2, 1989)

## **2.88.030 Procedures.**

A. Project Authorization. When a public works project has been approved for architectural or engineering design, the director of public works shall direct the deputy director for engineering to initiate design work, specifying the general scope of the project, the project budget estimate and the source of funds. If the project is beyond the capacity or capability of the city engineering department design division, in the judgment of the deputy director for engineering, it shall be so identified as one for which consultant services must be obtained. Such decision shall be made within fifteen working days of the directive issued by the director of public works. When a public works project requires the services of a registered or licensed land surveyor, the deputy director for engineering shall proceed as set forth in subsection E of this section and following.

B. Scope of Services. When a project has been identified as requiring consultant services, the engineering department and the department that will use the completed project shall prepare a detailed scope of work, identifying project requirements and an estimated budget for project costs. These will be forwarded to the director of public works within thirty working days of the identification of the project. If approved by the director of public works, the deputy director for engineering shall initiate procedures in accordance with this chapter to lead to the selection of a consultant as provided for in succeeding subsections.

The detailed scope of work and budget for project costs shall consist, at a minimum, of written instructions outlined in the following format:

### **1. Detailed Scope of Work.**

a. Architect Services. Architect basic services shall consist of the five phases set forth as follows and shall include normal structural, mechanical and electrical engineering services; and, such other services as may be required by the city, in the judgment of the director of public works, so as to assist in the design and construction of the project within the budget set by the city.

- i. Schematic design phase
- ii. Design development phase
- iii. Construction document phase
- iv. Bidding phase
- v. Construction phase

b. Engineer Services. Engineer basic services shall consist of the five phases set forth as follows and shall include normal structural, mechanical and electrical engineering services; and, such other services as may be required by the city, in the judgment of the director of public works, so as to assist in the design and construction of the project within the budget set by the city.

- i. Schematic design phase
- ii. Design development phase
- iii. Construction document phase
- iv. Bidding phase
- v. Construction phase

### **2. Budget for Project Costs.**

C. Small Projects. If the project budget is less than two hundred thousand dollars, the deputy director for engineering may select a consultant, negotiate a contract for

professional services and present the contract for professional services to the mayor and city council for consideration, without proceeding through the selection procedures otherwise set forth in this chapter. Each such contract shall be the entire scope of a complete project, and this procedure shall not be used to design and build a project in increments.

D. Augmenting Capability. Where the majority of design for a project is to be done by the city engineering department and if the city engineering department needs to have its in-house capability supplemented, the deputy director for engineering will select consultants, negotiate a contract for professional services, and present the contract for professional services to the mayor and city council for consideration, without proceeding through the selection procedures otherwise set forth in this chapter. E. Requests for Qualifications.

1. If the project estimated budget for professional architectural, engineering or land surveying services is fifteen thousand dollars or greater, the deputy director for engineering shall cause a notice of the project requesting qualifications statements from interested firms be advertised in the city's official newspaper. Any interested firm shall contact the deputy director for engineering to request a statement of qualifications information packet.

2. The deputy director for engineering shall specify a time certain for each applicable project after which new statement of qualifications (SOQ's) will not be accepted. This shall be known as the "closing date." After the closing date, no person from an interested firm shall contact any member of either the AESS or the qualifications subcommittee to lobby for the selection of his or her firm, the process as outlined by this section is intended to be the only process and its purpose is the fair and impartial selection of architect, engineering or land surveying services for city public works projects. Any member of either subcommittee will report to the chairperson of the legislative review committee for public works any contact, either direct or with another member, which he or she believes violates the terms and conditions of the section in any manner. The legislative review committee shall immediately consider such report at its next meeting and by majority vote may suspend the offending firm from further participation in the process for the project under consideration or suspend the firm from participation in the architect, engineering or land surveying services selection process for one year. The committee's decision shall be final.

F. Qualifications Subcommittee--Membership and Duties.

1. The qualifications subcommittee shall be made up of the following voting members:

- a. The engineering section chief for program management, chairperson;
- b. The assistant director of public works for administration;
- c. A representative from the department which will use the completed project;
- d. A representative from a panel of members of the architectural and engineering professions appointed by the council upon the recommendation of the mayor;
- e. A representative from another governmental entity, when the project is funded thirty percent or more by that entity and when the legislative review committee for the public works department has agreed to such a representative; or, if there is no other governmental entity funding the project, a representative of the city department providing thirty percent or more of the funding through fund grants; or, if there is no substantial grant funding for the project, a second representative from the using department;
- f. In the event that any of the above members is absent from a subcommittee meeting due to illness, leave or travel, a substitute representative shall be appointed by the absent individual's supervisor;
- g. There shall be no person a member of both the AESS and the qualifications subcommittee.

2. As soon as is reasonably possible after the closing date for submission of SOQ's, but no later than fifteen working days after the closing date, the chairperson of the qualifications subcommittee shall distribute copies of the SOQ's received to subcommittee members and schedule a meeting to review and evaluate the qualifications of the responding firm(s) to select the most highly qualified services providers.

3. Prior to the scheduled subcommittee meeting, each member of the subcommittee shall evaluate the SOQ's he or she has received. The SOQ shall be evaluated based on the

evaluation factors specified in Section 2.88.040 of this chapter. Each factor shall be numerically scored in accordance with the numeral evaluation system contained in Section 2.88.050 of this chapter.

4. In the unusual circumstance where the nature of a particular project requires that one or more evaluation factors prescribed in Section 2.88.040 be deleted from consideration or modified in some manner or additional factors peculiar to the project must be added, such proposed deletions, modifications or additions shall be proposed by the qualifications subcommittee to the director of public works. The director of public works shall determine which factors shall be modified, deleted or added and shall direct such action.

G. Qualifications Subcommittee Meeting.

1. At the subcommittee meeting each member shall make a written list ranking from first to last place each evaluated firm based on the numerical evaluation system. Scores shall be compiled as therein specified.

2. The qualifications subcommittee, after reviewing the statement of qualifications of each submitting firm, may recommend a minimum of three and a maximum of five firms as most highly qualified service providers for interview by the AESS. If there is a tie in the final rankings, it will be resolved by additional discussion and a voice vote. If only two firms submit SOQ's, both will be recommended for interview by the AESS.

3. The chairperson of the qualifications subcommittee shall forward by endorsement the list of most highly qualified firms recommended to be interviewed by the AESS to the director of public works within five working days after the meeting of the qualifications subcommittee. The firms shall be listed in the order in which they were ranked. Tied rankings, if any, shall be identified by asterisk.

H. Recommendations. If the list of firms recommended by the qualifications subcommittee provides a satisfactory group for interviews to be meaningful as relates to the project under consideration in the director of public work's judgment, the director of public works shall schedule a meeting of the AESS as soon as reasonably practical and shall distribute to each member a copy of the SOQ's of each firm to be interviewed. The public works director shall establish a listing of the order of firms to be interviewed through a random drawing of names and shall submit the list to the AESS members and have the firms notified in writing by certified mail, which mailing shall be proof of notification for all purposes, of the entire schedule for interviews by the subcommittee for the project.

I. Unsatisfactory List. If the list of firms forwarded by the qualifications subcommittee does not present a group of firms such as make interviews meaningful as relates to the project in the opinion of the director of public works, the director of public works shall return the list to the qualifications subcommittee stating, in writing, any reason for such return and the action to be taken with respect to modification, delay or cancellation of the project. A copy of the document returning the list shall be provided to the chairperson of the legislative review committee for public works.

J. Architect, engineering and land surveying selection subcommittee (AESS) meeting, evaluation and interview.

At the meeting of the AESS called by the chair in accordance with this chapter, each firm shall be given an equal amount of time to make its presentation and answer any questions of the subcommittee. Each member of the subcommittee shall evaluate each firm based on the evaluation factors specified in Section 2.88.040 and using the numerical system specified in Section 2.88.050. At the conclusion of the interview process, each member of the subcommittee shall rank each firm interviewed from first to last place as provided for in the numerical evaluation system and rankings shall be compiled as therein specified. The firm with the highest ranking shall become the primary most highly qualified candidate for negotiation of a contract and the second ranked firm shall become the alternate most highly qualified candidate. If there is a tie in the rankings for either highest or second highest, the tie shall be broken by additional discussion and voice vote. At the conclusion of the subcommittee meeting, all documents shall be forwarded to the deputy director for engineering who shall retain same in accordance with the city of El Paso's Records Retention ordinances or policies.

K. Firm Selection--Negotiation.

1. After the AESS has nominated a primary and alternate most highly qualified firm, the deputy director for engineering shall notify, by certified mail, the primary firm of its nomination and shall request the firm make a fee proposal to the city for its part of the project. The deputy director for engineering or designated consultant shall negotiate a fair and reasonable fee for the project with the nominated firm.
2. If the deputy director of engineering is unable to conclude a contract for a fair and reasonable fee for the project, the director of public works shall be notified. After consideration and review, the director of public works shall formally notify the primary firm, by certified mail of the city's determination and that negotiations are concluded. The next most highly qualified provider or "alternate" shall then be contacted and the deputy director for engineering will attempt to negotiate a contract with that provider at a fair and reasonable price. A copy of the notification to the primary firm shall be furnished to the chairperson of the legislative review committee for public works.
3. Should the deputy director for engineering achieve a negotiated agreement that is fair and reasonable, with either the primary or alternate service provider, the director of public works shall be notified and furnished with a detailed price breakdown. With the concurrence of the director of public works the preparation of a professional services contract shall be authorized and presented to the mayor and city council for their action.
4. Should no fair and reasonable agreement be reached with either the primary or the alternate provider then the deputy director of engineering shall go to the next most highly qualified firm and attempt to negotiate a fair and reasonable contract. This process shall be continued until a fair and reasonable contract has been negotiated or the project canceled. (Ord. 14591 §§ 4--7, 2000; Ord. 13747 § 2, 1998; Ord. 13152 § 5, 1997; Ord. 13062 § 2, 1997; Ord. 12657 §§ 2, 3, 1995; Ord. 12589 §§ 2--5, 1995; Ord. 9841 § 3, 1989)

#### **2.88.040 Evaluation factors, statement of qualifications (SOQ).**

A. General Requirement. Statement of qualifications (SOQ) shall be submitted in no more than thirty, eight and one-half by eleven inch paper, double spaced, typewritten pages. SOQ's in greater length shall be returned as nonresponsive.

B. SOQ's for city of El Paso public works projects, and presentations by firms chosen for interview, shall be evaluated based on the following factors, each overall factor receiving equal weight in scoring from one to five as explained below:

1. Project Organization. The SOQ shall list the following in the beginning section:
  - a. Name of the firm;
  - b. How long in business;
  - c. Principal owners and directors;
  - d. Location of principal offices;
  - e. Projected subcontractors;
  - f. Projected consultants;
  - g. Identify the project specific organization that will be responsive to the scope of work.
2. Experience with Similar Projects. Overall firm experience with projects of similar nature and size during the past five years.
3. Project specific team.
  - a. Appropriate educational background in technology for the project;
  - b. Licenses and credentials;
  - c. Practical experience with similar projects;
  - d. Track record of specialized consultants related to the project;
  - e. Commitment to this project viz-a-vis current projects.
4. Project Plan.
  - a. Respond to the scope of work;
  - b. A well-defined technical approach to the project;
  - c. Identify key activities that will be required (milestone timeline);

- d. Recognize significant problems that will have to be addressed.
- 5. Cost Control Plan.
  - a. Does the firm have a cost control plan?
  - b. Who will do the project estimates?
  - c. What estimating system do they use?
  - d. How will they contain scope and cost growth during design?
  - e. How will they contain scope and cost growth during construction?
- 6. Quality Control Plan. Does the firm have a quality control procedure for its construction documents that will:
  - a. Identify and correct errors and omissions in drawings and specifications before they are submitted to the city?
  - b. Is the plan formalized and documented?
- 7. Number of Contract Awards from the City of El Paso for the past five years:
  - a. Contract award amounts \$0--\$30,000;
  - b. Contract award amounts \$31,000--\$100,000;
  - c. Contract award amounts \$101,000-- \$249,000;
  - d. Contract award amounts \$ 250,000-- \$1,000,000;
  - e. Contract award amounts \$1,000,000 and up pending awards on projects for which the firm has been selected count as awards. If the fee has not been negotiated, the evaluation will be based on actual awards plus the engineering department estimate for project design, bid and construction phase fees.
- 8. Performance on Past Municipal Projects. Evaluate the firm's performance on past city of El Paso projects. The deputy director of engineering shall provide a listing of performance on previous projects which shall include, as a minimum, prior project timetable and completion date; budget compliance; and numbers of change orders.
- 9. Statement of Qualifications (SOQ).
  - a. Responsive to the request for qualifications;
  - b. Clear;
  - c. Well organized;
  - d. Easy to evaluate;
  - e. Appropriate to the project. (Ord. 14591 § 8, 2000; Ord. 13747 § 4, 1998)

#### **2.88.041 Evaluation of interviewed firms.**

Evaluate factors 1 through 9 of Section 2.88.040 based on presentation and questions during the interview. Substitute the following factor 10 in place of factor 9 as a result of the interview.

- 10. Interview Presentation and Responses to Questions. Was the information presented during the interview and responses to questions:
  - a. Professional in caliber and tenor;
  - b. Pointed toward the qualifications of the firm and its project team;
  - c. Consistent with the statement of qualifications;
  - d. An appropriate supplement to the statement of qualifications;
  - e. Responsive to questions, not evasive. (Ord. 13747 § 5, 1998)

### **2.88.050 Numerical scoring system, evaluation of SOQ.**

A. General. Evaluations of SOQ's as set forth in this chapter shall be made using the numerical scoring system prescribed by this section.

B. The system uses three steps to complete the scoring process.

Step One. Assign a numerical score between "1" and "5" to each evaluation factor.

Step Two. Rank each firm in sum total numerical order from first to last.

Step Three. Compile rankings.

C. The scoring system consists of numerical scores given within a five-point range. Low numbers are favorable, high numbers are unfavorable. (The number zero is not used.)

Subcommittee members shall numerically score each overall evaluation factor for each firm as follows:

1. Excellent. Highly qualified, very responsive to request for proposal (RFP).

2. Good. Above average qualifications, more than adequate response to RFP.

3. Average. Qualified, but not above average, adequate response to RFP.

Average is the baseline score.

4. Less Desirable. Qualifications below average, unresponsive to RFP.

5. Unfavorable. Does not possess qualifications required, unresponsive to RFP. If the information is not provided for important questions or if the firm has not done this type of project before or has no track record with the city in the area.

D. Once each firm's overall score has been tabulated by each subcommittee member, each subcommittee member shall list a ranking of the firms he or she evaluated from first to last.

E. Compiling. The secretary of the subcommittee shall accept the rankings from each member of the subcommittee. The secretary shall add together the rankings of each firm. The lowest total score is the preferred most highly qualified firm. Any tie shall be resolved by further discussion and majority voice vote of the subcommittees. (Ord. 13747 § 6, 1998)

### **2.88.060 Single response to request for qualifications.**

In the event that, in response to a request for qualifications for any proposed public works project (and regardless of whether the RFQ shall be for Architect Services, Engineer Services, or otherwise), there shall be only one firm which submits a Statement of Qualifications (SOQ), then in that event, there shall be no meeting of the architectural, engineering and land surveying committee, the AESS or the Qualifications Subcommittee, but rather the SOQ shall be evaluated by the office of the director of public works to determine that it is responsive to the RFQ, adequate for the city's purposes, and in the best interests of the city and if found to be responsive, adequate for the city's purposes and in the best interests of the city, the SOQ shall be processed by the office of the director of public works as if the SOQ had been selected by the process otherwise set forth in this title. (Ord. 14591 § 1, 2000)

### **2.88.070 Protest procedures.**

Any firm which submitted an SOQ and which believes that the selection was improperly made, shall have the right to protest the selection by following city of El Paso "Procedures For Protest Of Selection Of Architectural And Engineering Services" which shall be available to the interested public at the office of the director of public works during normal business hours. (Ord. 14591 § 2, 2000)